

APPLICATION NO. 09/871,243
DOCKET NO. P1038/N8788**REMARKS**

Claims 1, 3-13, 28-30 and 32-51 were pending in the application, with claims 28, 29, 36 and 51 amended herein and claim 33 canceled in order to more clearly define and fully protect Applicants' invention. Reconsideration and allowance of all pending claims 1, 3-13, 28-30, 32 and 34-51 is respectfully requested.

Although this response is being filed after a final Office Action, entry hereof is believed appropriate, and is requested. The outstanding action indicates the allowability of the now-pending claims of this application, and this response merely puts those allowable claims in condition for allowance.

The amendments made to claims 28, 36 and 51 merely correct a misspelling of the word "foraminous," and, hence, should be entered.

The amendment made to claim 29 constitute adding to claim 29 the limitations of claim 33 (now canceled), which depends directly therefrom, effectively making claim 29 into claim 33 rewritten in independent form.

Obviousness-Type Double Patenting

Claim 1, 3-13 and 39-50 stand provisionally rejected under the doctrine of obviousness-type double patenting, over claims 1-13 of copending and commonly-owned application Serial No. 10/477988. Since this cited application is a continuation-

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in-part of the above-captioned application, and no Office Action has yet been issued for the cited application, Applicants respectfully submit it is impossible for issuance of the above-captioned application to constitute a timewise extension of the subject matter of the cited application.

However, in the interest of expediting prosecution, a Terminal Disclaimer disclaiming any terminal part of the above-captioned application which may extend beyond the termination of the cited application. Accordingly, this rejection should be withdrawn, and claims 1, 3-13 and 39-50 passed to allowance.

The Office Action also indicates that claims 28-30, 32-38 and 51 would be allowable if rewritten in independent form. This objection to the claims is not fully understood, since claim 29 is an independent claim and claims 28-30, 32-38 and 51 are not rejected in the action. In addition, since claims 1 and 39 are now allowable as set out hereinabove, and claims 28 and 51 depend therefrom, respectively, claims 28 and 51 should also be allowable.

As noted above, independent claim 29 has been amended herein to incorporate all of the limitations of claim 33 which depends directly therefrom. Accordingly, it having been indicated that claim 33 would be allowable if rewritten in independent form, claim 29 should now be allowable, as well as claims 30, 32 and 34-38 which depend therefrom.

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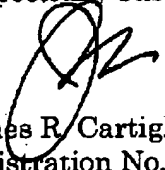
Therefore, in accordance with the Office Action, all currently pending claims 1, 3-13, 28-30, 32 and 34-51 should now be in condition for allowance.

CONCLUSION

Based on the foregoing amendments and remarks, it is believed the above-captioned application is in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of pending claims 1, 3-13, 28-30, 32 and 34-51, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an interview which may further expedite prosecution.

The Commissioner is authorized to charge the Terminal Disclaimer fee of \$130 under 37 C.F.R. §1.20(d), as well as any other deficiency associated with the filing of this Response, to Deposit Account 50-1202.

Respectfully submitted,



James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANTS

Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

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CERTIFICATE OF FACSIMILE TRANSMITTAL

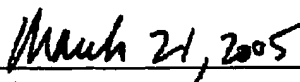
I hereby certify that this Response To Office Action Under 37 C.F.R. §1.116 (13 pages), including Terminal Disclaimer fee, Terminal Disclaimer (1 page), and Certificate of Facsimile Transmission (1 page) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on March 21, 2005.

James R. Cartiglia



Signature

Registration Number 30,738



Date